



City of Annapolis

Department of Planning & Zoning
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Board of Appeals

May 7, 2013

The Board of Appeals of the City of Annapolis held its regularly scheduled meeting on May 7, 2013 in the City Council Chambers. **Chair** Zazzali called the meeting to order at 7:07pm.

Members Present: **Chair** Zazzali, **Vice Chair** Elkington, Latham, Reyes Garcia

Staff Present: Arason, Elson, Rouse, Gudenius

The agenda was amended to move the voting on the minutes to the end of the meeting. The agenda was approved as amended.

B. SIGNING OF OPINIONS

1. Chesley, LLC, #2012-011

Vice Chair Elkington moved approval of the Chesley variance request as written. Ms. Reyes Garcia seconded the motion. The motion passed unanimously in a vote of 4-0.

C. PUBLIC HEARING AND DELIBERATIONS

1. Clements Variance, VAR #2013-002

Ms. Gudenius presented the variance request to construct an attached garden shed to the rear of the existing house. The new shed would replace an existing enclosed bump out structure. The applicant is requesting to change the existing rear yard setback from 30-feet to 11 +/- feet. She recommended approval of the variance application as submitted.

Ms. Clements wanted to make the structure fit within the home so reused existing windows. There will be a green roof on the structure.

Chair Zazzali accepted the following exhibits into the record.

Exhibit Number	Board of Appeals Exhibit Type
1	Staff Memorandum dated April 30, 2013 with attachments

Public testimony opened at 7:16pm and no one from the public spoke on the application so **Chair** Zazzali declared the public testimony closed at 7:17pm.

2. Community Health Center at Parole, VAR #2013-004 – (POSTPONED)

3. Naval Bagels Special Exception, S.E. #2013-005

Ms. Rouse presented the special exception to amend the existing restaurant and seating to add 30 seats for a total of 36 seats. With this request, the applicants are also asking to expand the hours of operation from 5:30am to 3:00pm to 5:30am to 8:00pm. She recommends approval of the application as it meets all the special exception requirements.

Mr. Adams has owned Naval Bagels for over 13 years and now has an opportunity to expand the business. There is a demonstrated need for the restaurant and abundance of patrons that frequent the restaurant. He requested to expand the restaurant hours from 5:30am to 10:00pm to accommodate a growing need however noted that the hours will gradually change as the need increases. Staff supports that the 10:00pm closing.

Chair Zazzali accepted the following exhibits into the record.

Exhibit Number	Board of Appeals Exhibit Type
1	Staff Memorandum dated May 1, 2013 with attachments

Public testimony opened at 7:27pm and those speaking on the application are listed below.

Name	Address	In Favor	In Opposition
Amanda Fisher	483 Colonial Ridge Lane	X	
John Koontz	4 Cumberland Court	X	
Mike Kelly	2207 Mulberry Hill Road	X	
John Griffin	307B Monterey Avenue	X	

4. Dean T. Builders Appeal, APL #2013-003

Mr. Arason provided background on the appeal by Dean T. Builders of the Planning and Zoning Director's decision to deny the application for demolition of property located at 322 State Street. He went over his findings and believes that the Department did not err in the decision so urged the Board to uphold the decision.

Mr. Christhilf, Attorney for the Appellant, believes that the issue before the Board is demolition of that which the Director refers to as a core structure. He believes that the core structure is unsound and should be demolished. The existing residence has been compromised and the loss of the structure will not have any adverse affect.

Mr. John Schneider, Structural Engineer, testified on the findings of his inspection of the structural integrity of the house and described the options to bring the existing structure up to code requirements.

Mr. Steven Watkins, Structural Engineer, testified on his observations during an inspection of the structural integrity of the house. He prepared a report of his findings and concluded that the house would be unsafe or unsound without needed repairs.

Mr. Robert Lange, Licensed Architect, testified that are numerous new construction projects on the State Street and explained that the property does not have any redeeming historical aspects.

Mr. Dean Slaughter, Owner, has lived in the home since 2006 and concurred with the testimony of the witnesses noted above but added that the house is in a deteriorated state.

Mr. Arason responded to the appellants and his witness testimony.

Mr. Christhilf applauds the purpose of the R2NC to save structures but has not heard testimony that this building adds any contributing values to the neighborhood. He believes it will cause financial hardship for the appellant if he is required to maintain the structure.

Chair Zazzali accepted the following exhibits into the record.

Exhibit Number	Board of Appeals Exhibit Type
1	Appellant's Exhibit Packet – Exhibit "1-12"
2	Staff Memorandum dated May 1, 2013 with attachments
3	Letters: Fran and Hank Spector dated May 6, 2013

Exhibit Number	Board of Appeals Exhibit Type
	Steven Anderson dated May 6, 2013 Myfie and Rolf Schore dated May 6, 2013 Robert and Pauline Jackman undated Linda and Robert Ward dated May 6, 2013

Public testimony opened at 8:16pm and those speaking on the application are listed below.

Name	Address	In Favor	In Opposition
Fran Spector	303 State Street		
Hazel Kennamon	321 State Street		

A. APPROVAL OF MEETING MINUTES

1. April 2, 2013 Meeting Minutes

Vice Chair Elkington moved approval of the April 2, 2013 meeting minutes. Ms. Reyes Garcia seconded the motion. The motion passed unanimously in a vote of 4-0.

Deliberations

1. Clements Variance, VAR #2013-002

Vice Chair Elkington moved approval of the Clements variance request as submitted. Ms. Reyes Garcia seconded the motion. The motion passed unanimously in a vote of 4-0.

3. Naval Bagels Special Exception, S.E. #2013-005

Vice Chair Elkington moved approval of the Naval Bagels special exception as submitted. Ms. Reyes Garcia seconded the motion. The motion passed unanimously in a vote of 4-0.

4. Dean T. Builders Appeal, APL 2013-003 – Listen to tapes

Vice Chair Elkington moved that the Board orders the applicant to provide an amended application that addresses the structural integrity, the historic significance of the application and financial detriment/hardship. Ms. Reyes Garcia seconded the motion. The motion passed unanimously in a vote of 4-0.

D. ADJOURNMENT

With there being no further business, **Vice Chair** Elkington moved to adjourn the meeting at 9:48pm. Ms. Latham seconded the motion. The motion passed unanimously in a vote of 4-0.

Tami Hook, Recorder